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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,261	10/03/2003	Kazuyuki Matsumura	2003-1401A	8746

513 7590 04/16/2008
WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021

EXAMINER	
PHAM, TAMMY T	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
04/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	**Application No.**	**Applicant(s)**	
	10/677,261	MATSUMURA ET AL.	
	Examiner	**Art Unit**	
	TAMMY PHAM	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2008*.
2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *36-69* is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *36-69* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☒ All b)☐ Some * c)☐ None of:
    1.☒ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claims 1-35 have been cancelled. Independent claims 36, 58, 66, have been amended. Claims 36-69 are pending.

Response to Arguments

2. Applicant's arguments filed 31 January 2008 have been fully considered but they are not persuasive.

3. **In regards to independent claim 36,** Applicant submits that *"a viewer would not be able to view the display 3 (of Taniguchi), since Ericsson does not disclose that the touchscreen is transparent such that the display 3 can be seen through the screen (Remarks 10)."* Examiner respectfully disagrees. First, the reference of Ericsson is introduced to teach that the touch panel is able to display images and hence Ericsson is not solely relied upon to disclose that the touchscreen is such that the display 3 can be seen through the screen. That particular limitation is taught by Taniguchi. In particular, in various sections, Taniguchi implicitly teaches how the user can view various images displayed on the display 3 by touching (and hence implies viewing through) the touch panel sensor 2 (see section [0025]). Second, the claim language fails to specify that the touchscreen must be transparent. Hence, Tangicuchi, as modified by Mizuno and Ericsson, continues to read upon the claim language as current stated. Third, because the claim language only currently specifies that the *"rearward portion can be seen through the transmission type display portion (lines 8-9);"* Taniguchi continues to read upon the claim language.

4. **In regards to independent claim 36,** Applicant further submits that the prior cited references fails to teach upon the currently amended claim language, in particular that *"Taniguchi and Ericsson do not disclose or suggest that the rearward display is mounted at a second location in the vehicle, such that a gap is formed between the transmission type display and the rearward display (Remarks 10)."* Examiner respectfully disagrees. Because the displays of Taniguchi consists of two separate components 2 and 3, it is inherent that there must be a gap between the two sections. Because the claim language fails to specify how large this gap must be, or include further details as to elaborate upon the characteristics of the gap between the two display portions, Taniguchi continues to read upon the claim language as currently stated.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 36-45, 47-50, 52, 54-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over TANIGUCHI (Japanese Publication No: 2000-331557) in view of MIZUNO (Japanese Publication No: 2000-329577) and ERICSSON (US Patent No: 6,130,665).

6. **As for independent claim 36,** TANIGUCHI teaches of a display apparatus (Fig. 1) comprising:

7. a transmission type display portion (Fig. 1, item 2) that is operable to transmit light there through, the transmission type display portion (Fig. 1, item 2) having a touch panel (Fig. 1, item 2) function, and the transmission type display portion (Fig. 1, item 2) being mounted at a first location (Fig. 1, location where item 2 is located);

8. a rearward display portion (Fig. 1, item 3) mounted at a second location (Fig. 1, location where item 3 is located) rearwardly of the transmission type display portion (Fig. 1, item 2), the rearward display portion (Fig. 1, item 3) being mounted such that a gap is (inherently {NOTE: That it is inherent that when two separate items are joined together, that there must be some form of gap that coexist between the two items. Regardless of how minute the gap, there must be some kind of space between the two separate items; based -in part- by the fact that these are two separate items}) formed between the transmission type display portion (Fig. 1, item 2) and the rearward display portion (Fig. 1, item 3) and such that the rearward display portion (Fig. 1, item 3) can be seen through the transmission type display portion (Fig. 1, item 2, section [0025]) by a viewer; and

9. a control portion for controlling the transmission type display portion (Fig. 1, item 2) and the rearward display portion (Fig. 1, item 3) in response to finger approach toward or finger touch of the transmission type display portion (Fig. 1, item 2, section [0011]).

10. TANIGUCHI fails to teach of a ***vehicle*** mounted display system.

11. MIZUNO teaches of a vehicle mounted display system in section [0004].

12. It would have been obvious to one with ordinary skill in the art at the time the invention was made to mount the display system of TANIGUCHI in a vehicle as taught by MIZUNO in

order to prevent useful information from being obstructed by an operation guide screen (see MIZUNO: Abstract).

13. TANIGUCHI fails to teach that the touch panel is able to display images.

14. ERICSSON teaches that the touch panel (Fig. 4, item 30) is able to display images (column 4, lines 40-43).

15. It would have been obvious to one with ordinary skill in the art at the time the invention was made to replace the touch panel of TANIGUCHI with the touch panel with displayed images of ERICSSON in order to allow for simultaneous input and display of textual information (see ERICSSON: column 1, lines 53-55).

16. **As for independent claim 58,** in addition to claim limitation of claim 36 above, TANIGUCHI further teaches that that a rearward display portion (TANIGUCHI, Fig. 1, item 3) positioned so as to be spaced rearwardly of the transmission type display portion (TANIGUCHI, Fig. 1, item 2) such that a display of the rearward display portion (TANIGUCHI, Fig. 1, item 3) can be provided to a rearward part of the transmission type display portion (TANIGUCHI, Fig. 1, item 2) in Fig. 1.

17. **As for independent claim 66,** in addition to claim limitation of claims 36 and 56 above, TANIGUCHI teaches of a display apparatus (Fig. 1), comprising:

18. a transmission type display portion (Fig. 1, item 2) mounted at a forward position in the vehicle,

19. a rearward display portion (Fig. 1, item 3) mounted at a rearward position which is rearward of the transmission type display portion and spaced apart from the transmission type display portion (Fig. 1, item 2), the rearward display portion (Fig. 1, item 3) being mounted such that a gap is (inherently {NOTE: That it is inherent that when two separate items are joined together, that there must be some form of gap that coexist between the two items. Regardless of how minute the gap, there must be some kind of space between the two separate items; based -in part- by the fact that these are two separate items}) formed between the transmission type display portion (Fig. 1, item 2) and the rearward display portion (Fig. 1, item 3)), and the rearward display portion being operable to form a display;

20. a display control portion operable to display a switch operation guide in the transmission type display portion;

21. a touch detecting portion provided in transmission type display portion for detecting a position touched by an operator; and

22. an operation signal output portion for outputting an operation signal indicating an operation content based on a display state of the display control portion and a touch detection output from the touch detecting portion;

23. wherein the transmission type display portion (Fig. 1, item 2) is operable in response to finger approach toward or finger touch of the transmission type display portion (Fig. 1, item 2) so as to function as a touch panel and cover the rearward display portion (Fig. 1, item 3) such that an image of the rearward display portion is visible.

24. TANIGUCHI fails to teach of a ***vehicle*** mounted display system.

25. MIZUNO teaches of a vehicle mounted display system in section [0004].

26. It would have been obvious to one with ordinary skill in the art at the time the invention was made to mount the display system of TANIGUCHI in a vehicle and that the transmission type display portion being operable to display in varied states including an opaque state and a transparent state as taught by MIZUNO in order to prevent useful information from being obstructed by an operation guide screen (see MIZUNO: Abstract).

27. TANIGUCHI fails to teach that the touch panel is able to display images.

28. ERICSSON teaches that the touch panel (Fig. 4, item 30) is able to display images (column 4, lines 40-43).

29. It would have been obvious to one with ordinary skill in the art at the time the invention was made to replace the touch panel of TANIGUCHI with the touch panel with displayed images of ERICSSON in order to allow for simultaneous input and display of textual information (see ERICSSON: column 1, lines 53-55).

30. **As for claims 37-39, 59…As for claim 37,** TANIGUCHI teaches that the transmission type display portion (Fig. 1, item 2) comprises a surface with a touch panel (Fig. 1, item 2) element thereon; **As for claim 38,** TANIGUCHI teaches that the transmission type display portion (Fig. 1, item 2) comprises an internal touch panel (Fig. 1, item 2) element; **As for claims 39, 59,** TANIGUCHI teaches that the transmission type display portion (Fig. 1, item 2) includes a touch panel (Fig. 1, item 2) such that a display of the rearward display portion (Fig. 1, item 3) is changed depending on a touched position on the touch panel (Fig. 1, item 2) in sections [0008, 0011].

31. **As for claims 40-42, 60-62…As for claims 40, 60,** TANIGUCHI teaches that the touched position is in the form of a button (Fig. 3, item 2); **As for claims 41, 61,** TANIGUCHI teaches that the button is displayed in a position which does not prevent view of the rearward display portion (Fig. 1, item 3) through the transmission type display apparatus; **As for claims 42, 62,** TANIGUCHI teaches that the transmission type display portion (Fig. 1, item 2) includes a touch panel (Fig. 1, item 2) and the control portion is operable to control the rearward display portion (Fig. 1, item 3) such that a pointer is displayed by the rearward display portion in accordance with operation of the touch panel (Fig. 1, item 2) in section [0026].

32. **As for claims 43, 63, 68,** TANIGUCHI fails to teach of an approach detecting portion operable to ***detect approach*** of an operation object, wherein the control portion is operable to change an image displayed on at least one of the transmission type display portion and the rearward display portion when the approach detecting portion detects the approach of the operation object.

33. MIZUNO teaches of an approach detecting portion (MIZUNO, Fig. 1, items 41, 42) operable to ***detect approach*** of an operation object wherein the control portion (MIZUNO, Fig. 1, item 5) is operable to change an image displayed on s display when the detecting portion detects the approach of an operation object in section [0013].

34. It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate into the display system of TANIGUCHI a method to detect approach as taught by MIZUNO in order to make actuation easy (see MIZUNO: section [0002]).

35. **As for claims 44, 64,** TANIGUCHI as modified by MIZUNO teaches that the approach detecting portion (MIZUNO, Fig. 1, items 41, 42) can detect an approach direction of the operation object in MIZUNO: section [0013].

36. **As for claims 45, 65,** TANIGUCHI as modified by MIZUNO teaches that the approach detecting portion (MIZUNO, Fig. 1, items 41, 42) is operable to detect whether the operation object approaches from a direction from a passenger's seat or a direction from a driver's seat in MIZUNO section [0016].

37. **As for claim 47,** TANIGUCHI as modified by MIZUNO and ERICSSON above, teaches that the transmission type display portion (TANIGUCHI: Fig. 1, item 2) covers the rearward display portion (TANIGUCHI: Fig. 1, item 3) such that the rearward display portion is visible (TANIGUCHI: in section [0029]) (ERICSSON: Fig. 4, column 4, lines 40-43).

38. **As for claim 48,** TANIGUCHI as modified by MIZUNO fails to teach that the vehicle mounted display apparatus (Fig. 1) is located in a middle portion ***between a passenger's seat and a driver's seat***.

39. Examiner takes ***official note*** that it is well known to provide a display apparatus in a middle portion between a passenger's seat and a driver's seat.

40. It would have been obvious to one with ordinary skill in the art at the time the invention was made to position the display apparatus of TANIGUCHI as modified by MIZUNO in the